

AIRGRAM

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DEPARTMENT PASS INFO ADDRESSEES

The Norwegian Government has issued a White Paper on the forthcoming U.N. Conference on the Law of the Sea. The White Paper was prepared by the Foreign Ministry. A summary of the White Paper also issued by the Foreign Ministry is attached. The paper with annexes is over 100 pages long and will only appear in Norwegian. It will not be transmitted unless specifically requested by the Department.

BYRNE

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Attachment

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 ECON:JCGriffith:kw

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AGREEMENT ON RESCUE OPERATIONS SIGNED

The Minister of Foreign Affairs, Mr. Knut Frydenlund, and the Swedish Ambassador, Mr. Yngve Møller, signed today an agreement between Norway and Sweden on the improvement of the rescue services in border districts during peacetime. The agreement comes into force immediately and can be revoked at 6 months' notice.

The most important provisions of the agreement are those which give the police authorities in one country the right to continue a search or rescue operation on the other country's territory, after the police in the country concerned have given their consent. The intention is to save valuable time in hunting for persons who have got lost in border districts, a steadily more frequent occurrence in recent years.

Unarmed military personnel will be able to assist in search operations across national boundaries. Letters were also exchanged permitting Norwegian private civil aircraft to participate in such operations on the Swedish side of the border.

DEFENCE COMMITTEE TO NORTH NORWAY

The Storting's Standing Committee on Defence is this week to undertake an inspection tour of northern Norway. The trip will terminate in Kirkenes. The committee will be accompanied by the Minister of Defence. Mr. Alv Jakob Fostervoll, and the Commander-in-Chief for northern Norway, Lieutenant-General Reidar Kvaal.

TALKS ON WORK ENVIRONMENT IN NORDIC AREA

The work environment in the Nordic area is to be discussed at a meeting in Oslo on Thursday and Friday, when the Nordic Committee of Government Officials for Questions concerning the Working Environment meets. One of the main purposes of the meeting will be the exchange of information on the situation in each country.

The question of a coordination of the standpoints of the Nordic countries at an international level will be taken up, and the Committee is interested in improving cooperation between both voluntary and official institutions. The recommendation from the Nordic Council concerning experimental trials to combat stress in the

PROBLEMS FOR AGRICULTURE FROM OIL ACTIVITY.

There was a fear that rural society and existing industry would lose out in competition for manpower with the oil industry, it was said in the course of a panel debate on the North Sea oil and the west Norwegian farmer held in Bergen Monday.

Member of the Storting Mr. Hallvard Eika (a former Minister of Commerce) warned against sacrificing the future for the present. Norway was hardly served by increasing the level of activity south of the 62nd parallel. The most restrictive possible line in Norway's oil policy had to be the right one, claimed Mr. Eika. His views were echoed by the other speakers, who included Member of the Storting Mr. Berge Furre, Chairman of the Storting's Standing Committee on Agriculture.

Mr. Furre claimed that agriculture in northern Norway had been facing a crisis even before the oil industry arrived. The Norwegian people, he claimed, faced a moral test when the oil millions begin to accumulate in earnest. The oil compelled Norway to draw up a plan for defence for agriculture.

MORE DISSENT ON PLANS FOR PETROCHEMICAL INDUSTRY

The Government's plans to locate a major petro-chemical complex on Rafnes in Lower Telemark county have aroused a good deal of local opposition. This is particularly directed against the inclusion of Saga Petrokemi in the plans. Norsk Hydro already has installations on Rafnes, and objections have not been made to the petrochemical plans on this company.

Now Porsgrunn Labour Party has adopted a resolution to the Storting calling for the location of Saga Petrokemi's planned installations somewhere else, while taking a positive line on Hydro's plans. The party demands, however, that total pollution from the new and existing Hydro plants must be reduced.

ATTACK ON LABOUR NATIONALISATION PLANS

The Chairman of the Conservative Party, Mr. Kåre Willoch, attacked Monday in a speech to the Party's Central Executive The Labour Party's nationalisation plans. Mr. Willoch criticised the Labour Party for inter alia "high-handed handling" of several questions. The party showed less desire for cooperation than it did in an earlier

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period when it was in a stronger position and conducted a less aggressive policy, said Mr. Willoch. As an example, the Conservative Party leader mentioned the question of "deprivatisation" or "Democratisation" of the commercial banks. These words camouflaged reality, it was meaningless to use any word other than nationalisation, Mr. Willoch stated.

NEW BURDENS FOR CONSUMER PRICE INDEX

One of the few things a Norwegian gets (at least apparently) for nothing these days is the plastic bag the shopkeeper gives him to carry his purchases. Following a decision by the Korvald government, upheld by the present administration, and "environmental duty" is to be levied on such bags, at 25 øre a time. Now the shopkeepers have intimated that when this is introduced, they will charge their customers 50 øre a time for bags - to cover both the cost of the bag and the new tax. Some newspapers have commented that this latest contribution to the inflationary boom could well lead to plastic shopping bags being included in the consumer price index. So far, the Central Bureau of Statistics have refused to confirm such a possibility.

White paper on UN Conference on the Law of the Sea.

By Royal decree of 15 March it was decided to submit to Parliament a white paper concerning the forthcoming UN conference on the law of the sea. The following is a short survey of some of the salient points in the white paper:

1. The decision to hold a third conference on the Law of the Sea was taken by the General Assembly on the United Nations on the 16th November, 1973.

In accordance with this decision, the conference was opened in New York with an inaugural session lasting from the 3rd to the 14th December, 1973. The main session of the conference, will be held in Caracas, Venezuela, from the 20th June - 29th August this year. It will be up to the conference and to the next session of the UN's General Assembly to decide whether further sessions are required. The Government of Austria has proposed Vienna as the site for a possible session in 1975.

2. The forthcoming conference on the Law of the Sea will be the first global conference dealing with these issues since the Geneva conferences of 1958 and 1960.

The Geneva conference of 1958 adopted conventions regulating a number of legal questions relating to the high seas, the territorial sea, the continental shelf and fisheries. Agreement was not reached, however, in the question of the breadth of the territorial sea, and of the fishery zone. Nor did the conference succeed in arriving at firm criteria for the delimitation between the continental shelf and the international sea-bed area.

The reasons why a new UN conference is required, are partly that the previous Geneva conferences left these main issues open, and partly that the conventions which resulted from the Geneva conference of 1958, have not to any great extent been subscribed to by the many

developing countries which have achieved independence only after the conclusion of that conference. The interests of these states are not sufficiently reflected in the results of the conference. Another reason why a new conference is necessary, is that the new problems associated with the economic and technological development over the last decade, have added to the need for a comprehensive international agreement concerning the issues of jurisdiction relating to the sea and the seabed.

The need for measures to protect resources and the environmental basis for human life, is particularly emphasized in this connection. It is essential to create a legal basis for more efficient management of the natural resources of the sea, and also to adopt effective measures to combat the ever increasing pollution of the oceans.

3. The forthcoming conference will deal with the following main issues:

- The extent of coastal state jurisdiction over the sea and the sea bed in adjacent areas beyond the territorial seas, i.e. the question of the establishment of economic zones.
- The establishment of an international regime for the management of the sea bed and the ocean floor outside national jurisdiction.
- The maximum permissible extent of the territorial sea.
- The right of passage within the territorial sea, including the question of special rules concerning straits used by international shipping.
- The elaboration of rules concerning marine pollution and scientific research, including the question of the extent of coastal state jurisdiction in these matters.

4. The conference can probably only be fruitful if it manages to arrive at a comprehensive "package solution", covering all issues relating to the extent of coastal state jurisdiction. At the present stage, it is difficult to indicate the precise content of such a "package solution". Judging from the clarification which the preparatory talks for the conference have given, one can, however, perhaps already see the general pattern which an overall solution must follow. Such a solution would consist of treaty texts which while on the one hand recognizing an extensive preferential and regulatory right for the coastal state in matters pertaining to the natural resources in an adjacent area beyond the territorial sea, would on the other hand be based in all essentials on the traditional principle of the freedom of the sea, as far as its uses for the purposes of transport and communications are concerned. Minimum requirements will have to be met on both these points if the conference is to be successful. The view of the Government is that a compromise solution along these lines would be in harmony with Norwegian interests. It considers that the main task of the Norwegian delegation must be to assist in the negotiation of a solution on this basis.

5. The situation with regard to the individual issues before the conference may, in the light of the preparatory talks which have been held, be summed up as follows:

a. The international seabed area.

The question of regulating the activities of states on the international sea bed area (that part of the seabed which lies beyond national jurisdiction) and of establishing an international machinery for this area, has since 1967 been discussed in a special seabed commission appointed by the General Assembly of the UN.

containing alternative draft treaty articles on the regime for the international seabed area and containing rules for the establishment of an international machinery to administer the area.

The Norwegian delegation has supported the idea of a strong international authority, equipped with broad regulatory powers, in accordance with the basic approach in the resolution passed by the UN General Assembly on 17th December 1970. This resolution declares the international seabed area as "the common heritage of mankind."

b. The territorial sea.

It seems likely that a broad agreement will exist at the conference that the territorial sea should be limited to 12 nautical miles, though this agreement will be subject to satisfactory solutions being found also on other issues.

During the preparatory talks in the seabed committee the Norwegian delegation has supported the twelve nautical mile-rule as norm for the maximum permissible extent of the territorial sea. This support has been given on the assumption that the 12-mile solution would become part of a "package solution" which would satisfactorily regulate also questions relating to coastal states' rights to the natural resources in an adjacent area beyond the territorial sea and the question of the right of passage within the territorial sea.

c. Coastal state jurisdiction in adjacent areas beyond the territorial sea.

1. Proposals for an economic zone.

A number of proposals have been submitted to the conference concerning the right for the coastal state to establish an "economic zone" in an adjacent area outside the territorial sea. According to these proposals the coastal state would inside the economic zone have sovereign rights to the natural resources. The proposals also assume that the coastal states would have certain specific rights in matters pertaining to marine pollution and scientific research. The maximum permissible extent of the economic

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zone would be 200 nautical miles from the base lines.

Norwegians attitudes are expressed in the Norwegian/Australia proposal on certain basic principles for a treaty on economic zones. The proposal would give the coastal state sovereign rights within the economic zone to the natural resources in the sea and on the seabed and the ocean floor. The right of free navigation inside the zone is emphasized in the proposal.

Like the other proposals which have been submitted, the Norwegian/Australian draft would not entail an obligation for the coastal states to establish an economic zone, but would merely secure the legal basis for such a measure.

2. The continental shelf.

According to the Geneva convention on the continental shelf, the sovereign rights of the coastal state extend to a depth of 200 meters or as far beyond this limit as the depth of the sea allows of the exploitation of the natural resources. The "exploitability criterion" has resulted in a situation in which the outer limit of the respective national shelf areas are being continuously extended in step with the development of technology. There is broad agreement that this situation invites an unfortunate race for the resources concerned, and a main task for the conference will be to establish new, firm criteria as a replacement of the exploitability criterion.

Those coastal states which have shelves that extend beyond 200 miles, naturally find a 200 miles limit insufficient. Claims have therefore been made for sovereign rights to extend all the way to the continental margin. Landlocked states and shelflocked states are-, however, on their side interested in criteria which are as restrictive as possible where the extent of coastal state rights is concerned.

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The Norwegian attitude has been expressed in the Norwegian Australia proposal concerning economic zones. This proposal states that in cases where the natural prolongation of the landmass of a coastal state extends beyond the economic zone, the coastal state, shall retain the sovereign rights which it has over this area according to international law existing at the time of the entry into force of the new convention. Those rights are, however, not to extend beyond the continental margin. The Norwegian delegation has, in a statement during the preparatory talks, mentioned as a possible basis for a compromise the possibility of giving the coastal state the right to choose between, and to combine, a distance criterion of 200 miles and a depth criterium such as 600 meters.

Oslo, 15th March, 1974.